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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001815

SIPDIS

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DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR BERMAN
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TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [ID](#)
SUBJECT: BUREAUCRATIC TUSSE INVOLVING KEY ANTI-CORRUPTION
BODY RAMPS UP

REF: JAKARTA 1709 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: The ongoing bureaucratic tussle between Indonesia's police and its Corruption Eradication Commission (KPK) continues to ramp up. Despite legal recommendations that it drop its investigation of the KPK, the police instead have arrested two suspended KPK commissioners. In a further sensational twist, allegations that the two men were set up in order to embarrass the anti-corruption body gained credibility when a tape recording of an apparent plot against the two was released to the public. With a potential constitutional battle looming, the ongoing media soap opera is complicating President Yudhoyono's anti-corruption effort.
END SUMMARY.

ACT 1: POLICE TOLD TO DROP CASE

12. (C) Indonesia's key anti-corruption commission remains in the news. This week the Attorney General's Office (AGO) told the police that there was insufficient evidence in the abuse of power case against two suspended KPK commissioners and urged the police to drop the matter. (Note: KPK commissioners Chandra Hamzah and Bibit Samad Rianto were suspended by the KPK after the police charged them with abuse of power and corruption. See reftel.) Retired KPK commissioner Erry Hardjapamekas told Emboffs that on October 28 the AGO returned the case file to the police with 79 questions the police needed to answer before the AGO would bring the two men to trial.

ACT 2: POLICE ARREST TWO KPK COMMISSIONERS

13. (SBU) Instead of dropping the investigation focused on the two former KPK commissioners, the police arrested the men on October 29. According to the police, the two had attempted to interfere with the investigation by talking to the press and expressing their personal opinions on the case. When interviewed by the press, the police declined to answer further questions about their actions.

SENSATIONAL TAPE RECORDINGS

14. (SBU) To add to the confusion, a taped conversation appears to confirm allegations that the police set up the two commissioners. On October 26, the media published transcripts from an alleged wiretapped phone conversation

revealing a plot to frame Chandra Hamzah and Bibit Samad Rianto for taking bribes. The conversation allegedly took place between the AGO's deputy for intelligence and a potential corruption witness, the brother of a fugitive businessman and corruption suspect. In the conversation, the AGO official and potential witness reportedly discuss how the witness should testify to implicate the two KPK commissioners in corruption.

LEGAL BATTLE LOOMING

15. (SBU) A constitutional battle seems to be looming. The suspended KPK commissioners have explored a number of options to retain their posts, including filing a judicial review of the KPK law with the Constitutional Court. On October 30, Indonesia's Constitutional Court issued an initial ruling that the removal of the sitting KPK commissioners on suspicions of illegal activities was unlawful. Although the Constitutional Court has yet to hear the formal proceedings in the matter, the court issued the preliminary ruling to allow the two commissioners to return to their positions. Before the men could return to work however, the police had arrested them. The initial ruling is a departure from typical court practice. Although the court has issued preliminary decrees regarding disputes between government bodies, the court has never before issued a preliminary decree in a judicial review case of an existing law.

COMPLICATING THE ANTI-CORRUPTION EFFORT

16. (C) The ongoing media soap opera of allegations and counter-allegations complicates President Yudhoyono's anti-corruption effort. The President's Office is focused on smoothing out police - KPK tensions and regaining momentum in

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the anti-corruption drive. That said, the situation is quickly becoming more complex with harder battle-lines forming. Given this, the administration is under increasing pressure to take action to end the acrimony.

HUME